

Serial No.: 10/564,892  
Docket No.: 101-1681T  
Amendment dated October 6, 2010  
Reply to the Office Action of July 7, 2010

## **REMARKS**

### **Introduction**

Upon entry of the foregoing amendment, claims 1-16 are pending in the application. No claims have been amended. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

### **Rejection under 35 USC §112**

The Examiner has rejected claims 1-16 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular, the Examiner states that judging the current position of a pickup at the time of the track jump command is not described in the specification in such a way as to reasonably convey to one skilled in the art that Applicant had possession of the claimed invention at the time the application was filed. Applicant respectfully disagrees.

MPEP § 2163 states that “it is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.” Applicant’s original claims recited the above limitation and Applicant’s specification provides further support for the above limitation.

In particular, Applicant’s claim 9, as provided in the Preliminary Amendment filed January 17, 2006 concurrently with the original specification recites “judging whether a position of the pickup is within a predetermined range relative to a center of the track at a time of a track jump command.” Thus, the above limitation in independent claims 1, 4, 6, and 9 was found in the claims at the time of filing (see MPEP § 2163, above) and further cannot be considered new matter. One of ordinary skill in the art would have known, based upon Applicant’s claim 9, that Applicant had possession of the invention, including judging the current position of a pickup at the time of the track jump command, at the time the application was filed.

In addition, Fig. 3 and the corresponding paragraphs 0033-0037 describe a beginning of a track jump operation (operation 301), tracking a position of a pickup when it is determined that the track jump operation is beginning (operation 303), and determining whether the location of the pickup with respect to the center of the track is within a reference range (operation 304).

Serial No.: 10/564,892  
Docket No.: 101-1681T  
Amendment dated October 6, 2010  
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The Examiner appears to erroneously assume on pages 2 and 3 of the Office Action that because operation 303 follows operation 301, the position cannot be considered the current position at the time of receipt of the track jump command, or the beginning of the track jump operation. However, Fig. 3 and the corresponding description are consistent with Applicant's claims. Specifically, Applicant's claims recite analyzing a position of the pickup at the time of a track jump command. In other words, the analysis need not occur at the instant the track jump command is received, but the position of the pickup when the track jump command is received is analyzed. It would be understood by one of ordinary skill in the art that the position at the time of the analysis would be substantially the same as when the track jump command was received.

Applicant's specification at paragraphs 0029-0037 provides sufficient support for one of skill in the art to know that Applicant had possession of analyzing a position of the pickup at the time of a track jump command, when the application was filed. For example, paragraph 0029 of the specification states that the position of the pickup 201 is tracked with respect to a track center. Since operations 301, 302, and 303 of Fig. 3 require only sensing and computing operations, and since these operations may occur nearly instantaneously from the point of view of a human observer, the position of the pickup 201 with respect to the track center will not have changed between operation 301 and operation 303. For example, even if the optical disc has rotated to some degree, the position of the pickup 201 with respect to the track center will not have changed substantially or measurably. Thus, even if operation 303 were to occur at an instant in time after operation 301, the location of the pickup 201 with respect to the track need not have changed to any measurable degree.

Finally, the term "at the time of the track jump command" may be interpreted broadly to include the time from the moment of the actual track jump command to the moment before the track jump start signal is generated or before the track jump is executed. Nothing in the specification or claims requires that the "time" of the track jump command be limited only to an "instant" when the track jump command is received.

For all of the above reasons, Applicant's specification, including the claims, contained sufficient disclosure such that one of ordinary skill in the art would have known that Applicant had possession of the invention, including judging the current position of a pickup at the time of

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the track jump command, at the time the application was filed. Accordingly, Applicant asks that the Examiner withdraw the rejection.

### **Rejection under 35 USC §103**

Claims 1-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0013057 to Aoe in view of US Patent No. 7,012,861 to Hong and further in view of US Patent No. 5,712,835 to Akiyama. However, Aoe, Hong, and Akiyama fail to disclose or suggest every limitation of Applicant's claims 1-16.

#### **Independent claims 1, 4, and 6**

The Examiner admitted in the Office Action of December 14, 2009 that none of the cited references discloses or suggests "judging whether a position of the optical pickup is within a predetermined range relative to a center of the track at a time of a track jump command," as recited in Applicant's previously-allowed claim 9. Further, the Examiner appears to rely upon the above § 112 rejection to disregard the claimed limitation that a current position of the pickup at the time of the track jump command is determined to be within a reference range. For example, the rejections of independent claims 1, 4, 6, and 9 under 35 U.S.C. § 103 state "see U.S.C. 112 first paragraph rejection, above."

Based on the Examiner's statement in the December 14, 2009 Office Action, the Examiner's statements in the rejections of claims 1, 4, 6, and 9, and the Examiner's failure to cite any portion of any one of the prior art references that discloses determining a position of the pickup at the time of the track jump command, it is believed that the above limitation is neither disclosed nor rendered obvious in view of Aoe, Hong, and Akiyama. Accordingly, Aoe, Hong, and Akiyama are inadequate grounds for rejecting claims 1, 4, 6, and 9 under 35 U.S.C. § 103(a). Claims 2, 3, 5, 7, 8, and 10-16 depend from claims 1, 4, 6, and 9, respectively, and are likewise allowable over the cited references. Accordingly, Applicant respectfully asks that the Examiner reconsider and withdraw the rejection.

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**Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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